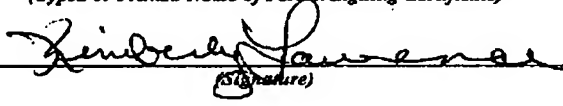


CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. 121895 (GEM-0040)	
Applicant(s): Kishore Acharya, et al.				
Application No. 10/064,621	Filing Date July 31, 2002	Examiner Ho, Allen C.	Group Art Unit 2882	
Invention: METHOD, SYSTEM AND COMPUTER PRODUCT FOR PLAQUE CHARACTERIZATION				
RECEIVED CENTRAL FAX CENTER NOV 29 2004				
I hereby certify that this <u>Request for Reconsideration including supporting documentation (11 pgs.)</u> <small>(Identify type of correspondence)</small>				
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)				
on <u>November 29, 2004</u> <small>(Date)</small>				
 Kimberly Lawrence <small>(Typed or Printed Name of Person Signing Certificate)</small>  <small>(Signature)</small>				
Note: Each paper must have its own certificate of mailing.				
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.:	10/064,621	:	Confirmation No.:	8846
Applicant:	Kishore Acharya et al.	:	Group Art Unit:	2882
Filed:	July 31, 2002	:	Examiner:	Ho, Allen C
Docket No.:	121895 / GEM-0040	:		

For: METHOD, SYSTEM AND COMPUTER PRODUCT FOR PLAQUE
CHARACTERIZATION

November 29, 2004

**REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT
UNDER MPEP 711.03**

Mail Stop Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Request for Reconsideration of Holding of Abandonment under MPEP §711.03 is in response to the Notice of Abandonment dated October 21, 2004. Prior to the Notice of Abandonment, the above identified application received a Notice of Allowance dated June 16, 2004, with payment of the Issue and Publication Fees due by September 16, 2004.

In response to the Notice of Abandonment, Applicant submits herewith a copy of:

1. "Part B – Fee(s) Transmittal" with Certificate of Mailing,
2. "Fee Address" Indication Form, and
3. Return Postcard,

all of which were filed with the USPTO on September 15, 2004, with a Certificate of Mailing signed by Patricia DiGregorio.

The above identified "Part B – Fee(s) Transmittal" form provided authorization for the Issue Fee and the Publication Fee of the above identified application to be charged to Deposit Account 07-0845.

Accordingly, Applicant respectfully submits that there is no abandonment in fact and herein requests reconsideration and withdrawal of such holding.

In the event the Commissioner of Patents deems that any additional fee is required in connection with this application, Applicant's Attorneys authorize that such fee be charged to Deposit Account No. 07-0845. Please direct any inquiries to the undersigned.

Respectfully submitted,

CANTOR COLBURN LLP

Applicant's Attorneys

By: 

David Arnold
Registration No: 48,894
Customer No. 23413

Address: 55 Griffin Road South, Bloomfield, Connecticut 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115

PTO/SB/47 (03-02)

Approved for use through 12/31/2002. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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"FEE ADDRESS" INDICATION FORM

Address to:
Assistant Commissioner for Patents
Box M Correspondence
Washington, D.C. 20231

INSTRUCTIONS: Only an address associated with a Customer Number can be established as the fee address for maintenance fee purposes (hereafter, fee address). A fee address should be specified when the patentee would like correspondence related to maintenance fees to be mailed to a different address than the correspondence address for the application. If there is a Customer Number already associated with the fee address for the patent or allowed application, check the first box below and provide the Customer Number in the space provided. If there is no Customer Number associated with the fee address for the patent or allowed application, you must check the second box below and attach a Request for Customer Number form (PTO/SB/125). For more information on Customer Numbers, see the Manual of Patent Examining Procedure (MPEP) Section 403.

Please recognize as the "Fee Address" under the provisions of 37 CFR 1.363 the following address associated

☒ Customer Number 06379**OR**

Type Customer Number here

Place Customer Number Bar
Code Label here☐ Request for Customer Number (PTO/SB125) attached hereto

In the following listed application(s) for which the Issue Fee has been paid or patent(s):

PATENT NUMBER (if known)	APPLICATION NUMBER
	10/064,621

(check one)

- ☒ Applicant/Inventor
- ☒ Attorney or agent of record 35,101
(Reg. No.)
- ☐ Assignee of record of the entire interest. See
37 CFR 3.71. Statement under 37 CFR 3.73(b)
is enclosed enclosed. (Form PTO/SB/96)
- ☐ Assignment recorded at _____ Frame _____


SignaturePhilmore H. Colburn II

Typed or printed name

(860) 286-2929

Requester's telephone number

September 15, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

Burden Hour Statement: This collection of information is required by 37 CFR 1.363. This information is used by the public to submit (and by the USPTO to process) payment of patent maintenance fees. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 0.08 hours to complete, including gathering, preparing, and submitting the complete payment of maintenance fees. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

THE STAMP OF THE PATENT OFFICE, PLACED HEREON, ACKNOWLEDGES RECEIPT OF:

Attorney Docket No.: GEM-0040 (121895)

Date Mailed: September 15, 2004

Applicant: KISHORE ACHARYA ET AL.

Serial No.: 10/064,621 Filed: July 31, 2002

For: METHOD, SYSTEM AND COMPUTER PRODUCT
FOR PLAQUE CHARACTERIZATION

BASE ISSUE FEE AND PUBLICATION FEE TRANSMITTAL FORM
(1 PAGE + A COPY); "FEE ADDRESS" INDICATION FORM (1
PAGE); AUTHORIZATION TO ACCESS DEPOSIT ACCOUNT FOR
BASE ISSUE FEE AND PUBLICATION FEE (\$1,630.00)

Mailed via First Class Mail to USPTO on: September 15, 2004

Received in the USPTO on:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,621	07/31/2002	Kishore Acharya	121895 GEN-0040	8846
23413	7590	10/21/2004	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			HO, ALLEN C	
			ART UNIT	PAPER NUMBER
			2882	

RECEIVED

OCT 28 2004

CANTOR COLBURN LLP

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark OfficeAddress: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

10064 621

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
- ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due. The issue fee by 37 CFR 1.18 is \$_____. The publication fee, if required, by 37 CFR 1.18(d) is \$_____.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record; the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Attachment to Notice of Abandonment

**For questions concerning the notice contact
Office of Patent Publication**

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

- 1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

- 2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

- 3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

THE STAMP OF THE PATENT OFFICE PLACED HEREON, ACKNOWLEDGES RECEIPT OF:

Attorney Docket No.: GEM-0040 (121895)
Date Mailed: September 15, 2004
Applicant: KISHORE ACHARYA ET AL.
Serial No.: 10/064,621 Filed: July 31, 2002
For: METHOD, SYSTEM AND COMPUTER PRODUCT FOR
PLAQUE CHARACTERIZATION

BASE ISSUE FEE AND PUBLICATION FEE TRANSMITTAL FORM
(1 PAGE + A COPY); "FEE ADDRESS" INDICATION FORM (1
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BASE ISSUE FEE AND PUBLICATION FEE (\$1,630.00)

Mailed via First Class Mail to USPTO on: September 15, 2004

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9/15/04

Patent / Trade or Other	Address	Client's Name	Case Number	Contents	Your Initial	Postage Type or amount
P	USPTO	GE Medical	GEIM-0040	BIF, Pub. Fee + Fee Address Return	pd	.60
P	USPTO	FAKO	FAD-0130-D	BIF + AO	pd	.37
P	USPTO	YKIE	YKI-0083	BIF, Pub. Fee + AO	pd	.37
P	USPTO	U.S. Marine Corp	98-2069	BIF, Pub. Fee + AO	pd	.37
P	USPTO	Germano	GER-0522	BIF, Pub. Fee + AO	pd	.37
P	USPTO	Germano	GER-0540	BIF + AO	pd	.37
P	USPTO	Germano	GER-0541	BIF + AO	pd	.37
P	USPTO	UConn	UCT-0034	BIF, Pub. Fee + AO	pd	.37
P	USPTO	Petrow	PES-0047	BIF, Pub. Fee + AO	pd	.37
P	USPTO	BellSouth	BEL-0017	BIF + AO	pd	.37
P	USPTO	BellSouth	BEL-0009	BIF + AO	pd	.37
P	USPTO	Myra	MOY-0003	BIF, Pub. Fee + AO	pd	.37
P	USPTO	IBM	IBI-0025	Attended	pd	.37
P	USPTO	IBM	IBI-0024	Attended	pd	.37
P	USPTO	IBM	IBI-0026	Attended	pd	.37
P	USPTO	IBM	IBI-0029	Attended	pd	.37
P	USPTO	IBM	IBI-0042-D	Attended	pd	.37
P	USPTO	IBM	IBI-0047	Attended	pd	.37
P	USPTO	IBM	IBI-0049	Attended	pd	.37

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